

Wisconsin State Laws Affected by H.R. 4879

- I. Food
 - a. Food Safety
 - i. Date Label Laws
 1. These laws require and regulate "sell-by" date labels on food items. They are intended to promote both food quality and safety.
 2. Wis. Admin. Code ATCP § 70.21
 3. Wis. Admin. Code ATCP § 88.34
 - ii. Alteration of Dating Labels
 1. These regulations prohibit manufacturers from altering "sell-by" labels in certain ways. They are intended to protect transparency and the integrity of the label.
 2. Wis. Admin. Code ATCP § 88.34
 - iii. Date Packaged, Produced, or Harvested
 1. These laws require manufacturers to indicate on items the date on which they were harvested, produced, or otherwise packaged and processed. They are intended to inform consumers as to freshness and quality.
 2. Wis. Admin. Code ATCP § 70.21
 - iv. Sale of Expired Foods
 1. These regulations prohibit or restrict the sale of food items past their expiration date. Most of these laws apply generally to many types of food items and are intended to protect quality and safety.
 2. Wis. Admin. Code ATCP § 88.34
 - b. Eggs
 - i. Date Labels
 1. These laws require egg containers to be marked with a "sell-by" label to indicate the date by which the product should be sold to consumers
 2. Wis. Admin. Code ATCP § 88.34
 - c. Shellfish
 - i. Date Labels
 1. These laws require shellfish containers be marked with a "sell-by," "best if used by," or "date shucked" label to indicate to consumers when the product was packaged or the date by which it should be consumed.
 2. Wis. Admin. Code ATCP § 70.21
 - ii. Sourcing Requirements
 1. These regulations impose requirements on the sourcing of shellfish. Most often, they stipulate that molluscan shellfish received into the state through interstate commerce must be

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- from sources approved by the Interstate Certified Shellfish Shippers List.
 - 2. Wis. Adm. Code Ch. Atcp 75, App.
 - d. Mushrooms
 - i. Sale of Wild Mushrooms
 - 1. These regulations impose identification requirements on the sale of mushrooms harvested from the wild. Often, they mandate that wild mushrooms must be positively identified by a mushroom identification expert in order to be sold for human consumption in order to protect the public from accidental poisoning caused by the ingestion of toxic mushrooms.
 - 2. Wis. Adm. Code Ch. Atcp 75, App.
 - e. Wild Rice
 - i. Labeling
 - 1. These laws impose regulations on the labeling of wild rice products sold within the state in order to allow consumers to differentiate between cultivated and hand-harvested, paddy-grown varieties. They are intended to increase transparency and protect consumer interests.
 - 2. WI ST 97.57
 - f. Ginseng
 - i. Import Certification Requirements
 - 1. These laws require that ginseng imported from out of state be accompanied by documentation from the state where it was harvested. These laws are intended to prevent trafficking in illegally obtained or poached wild ginseng.
 - 2. WI ST 94.50
 - 3. WI ST 29.611
 - g. Oleomargarine (“Margarine”)
 - i. Labeling
 - 1. Federal regulations prohibit the labeling of oleomargarine (“margarine”) as a dairy product and require certain information be included on margarine labels. Some states impose additional labeling requirements on these products such as those requiring specific ingredients be listed, that individual sticks be labeled, and that various other information be included.
 - 2. Wis. Adm. Code § ATCP 90.08
- II. Alcohol
- a. None
- III. Drugs
- a. Recreational
 - i. Kratom
 - 1. *Mitragyna speciosa*, commonly known as “kratom,” is a tropical evergreen tree whose leaves contain opioid properties that make
- Source: Harvard Law School Animal Law & Policy Program, Analysis of the “Protect Interstate Commerce Act of 2018” H.R. 4879. 2018. Available at animal.law.harvard.edu/projects/analysis-of-the-protect-interstate-commerce-act-of-2018-h-r-4879/

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it popular in the U.S. as a recreational drug. These laws criminalize possession or otherwise restrict import or use of kratom so as to function as a ban or partial ban.

2. W.S.A. 961.14

b. Tobacco

i. Fire Safety Standards

1. These state laws require that any cigarettes offered for sale or sold in the state be tested in accordance with specific test methods and meet certain flammability standards. They are intended to reduce the risk of unintended fires caused by discarded cigarettes.
2. Wis. Stat. Ann. § 167.35

IV. Fishing

a. None

V. Wood and Lumber

a. Firewood

i. Import Restrictions

1. These laws impose conditions, bans, or restrictions on the importation of firewood into the state given that untreated firewood has been known to carry invasive pests or disease. They are intended to limit the spread of injurious materials and to protect the local ecosystem.
2. Wis. Adm. Code § ATCP 21.20

VI. Home Goods and Products

a. None

VII. Live Animal Imports

a. Aquaculture

i. Viral Hemorrhagic Septicemia

1. These laws impose import requirements or other restrictions on certain species of fish in order to prevent the spread of viral hemorrhagic septicemia, a disease that causes internal bleeding and death among infected animals. Previously, the federal government regulated this disease; however, on April 14, 2014 federal restrictions were removed with the thought that existing state-level regulation was effective and sufficient to limit spread of the disease.
2. Wisc. Admin. Code Agriculture, Trade Consumer Protection § 10.65

b. Birds

i. Avian Influenza and Newcastle Disease

1. Highly Pathogenic Avian Influenza is a contagious virus most often spread by contact between infected and healthy birds (including wild birds). Humans also can contract this disease. The 2014-15 avian influenza outbreak required the destruction of 50 million

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birds costing the industry \$3.3 billion in losses. Similarly, Newcastle disease is a contagious viral bird disease affecting the poultry industry and wild avians that is transmissible to humans. States have imposed laws requiring testing, reporting, and regulating imports of poultry to control these diseases, that work in conjunction with federal restrictions.

2. Wis. Adm. Code Ch. Atcp 10, App. A
3. Wis. Adm. Code § ATCP 10.83

c. Cattle and Bison

i. Anthrax

1. Anthrax is an infectious bacterial disease often found in cattle and sheep that causes sudden death and is transmissible to humans. Most often, it is spread through exposure to the spores formed during the decay of deceased animals. Federal regulation prohibits the interstate movement of animals affected by anthrax. However, states impose further restrictions on the importation of animals that have been or may have been exposed to the disease.
2. Wis. Adm. Code § ATCP 10.06
3. Wis. Adm. Code § ATCP 10.07
4. Wis. Adm. Code Ch. Atcp 10, App. B
5. Wis. Adm. Code Ch. Atcp 10, App. A

ii. Brucellosis

1. Brucellosis is a contagious and costly disease typically affecting cattle, bison, cervids (elk and deer), and swine that also affects humans. It is a bacterial infection that spreads from animals to people most often through ingestion of unpasteurized milk, cheese, and other dairy products. All 50 states participate in a voluntary program with the federal government to control brucellosis in cattle, and many states impose additional regulations requiring testing, reporting, and regulating of imports.
2. Wis. Adm. Code § ATCP 10.22

iii. Bovine Tuberculosis

1. In the early 19th century, bovine tuberculosis caused more deaths of cattle than all other diseases combined. It is a chronic bacterial disease of cows that can spread to humans, typically by the inhalation of aerosols or the ingestion of unpasteurized milk. All 50 states participate in a voluntary program administered in conjunction with the federal government requiring testing, quarantine, and destruction of diseased animals. In addition many states have enacted special legislation addressing the importation of cattle into the state.
2. Wis. Adm. Code § ATCP 10.01 et seq.
3. Wis. Adm. Code § ATCP 10.06
4. Wis. Adm. Code § ATCP 10.07

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5. Wis. Adm. Code § ATCP 10.13

6. Wis. Adm. Code § ATCP 10.22

iv. Johne's Disease

1. Johne's disease is a contagious, chronic, and usually fatal infection that affects the small intestine of ruminants, such as cows. It is widespread in the dairy industry, causing roughly \$200–250 million in annual losses. Federal regulation prohibits the interstate movement of animals that have tested positive, but does not impose a testing requirement. Some states have enacted additional requirements for mandating testing prior to importation or otherwise further restricting import.

2. Wis. Adm. Code § ATCP 10.08

v. Rabies

1. Rabies can occur in all warm-blooded animals and is always fatal if not treated promptly after exposure. All forms of livestock and companion animals are at risk for contracting the disease. Transmission often occurs through a bite from a rabid animal and as such the disease can travel between wild and domestic species. These laws prohibit the importation of animals exposed to rabies or impose additional restrictions to prevent the spread of this disease.

2. Wis. Adm. Code § ATCP 10.06

3. Wis. Adm. Code § ATCP 10.07

4. Wis. Adm. Code Ch. Atcp 10, App. B

5. Wis. Adm. Code Ch. Atcp 10, App. A

d. Cervids

i. Chronic Wasting Disease ("CWD"): Restrictions

1. These laws impose import restrictions and other requirements to ensure that cervids entering the state are not carriers of chronic wasting disease. Some regulations require that only cervids that have been enrolled in a voluntary CWD Herd Certification Program and have undergone testing for the disease may enter the state. These laws are intended to protect local deer producers and wild deer populations.

2. Wis. Adm. Code § ATCP 10.55

e. Bees

i. Import Requirements and Health Certifications

1. These laws impose certification, permitting, or registration requirements prior to the movement of bees into the state. They are intended to ensure the health of bee colonies prior to import in order to protect the health of local bee populations and prevent the spread of disease.

2. W.S.A. 94.76

3. Wis. Adm. Code § ATCP 21.13

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ii. Bee Quarantines

1. These laws impose or authorize quarantines that restrict the importation of bees or apiary equipment. They are intended to protect local bee populations and combat the spread of disease.
2. Wis. Adm. Code § ATCP 21.13

iii. Prohibition on Africanized Bees

1. These regulations prohibit the introduction of Africanized bees into the state. Some impose certification requirements to confirm that only European honeybees are allowed into the state for transport or sale and to protect the public from more aggressive Africanized bees.
2. Wis. Adm. Code § ATCP 21.13

f. Horses

i. Equine Infectious Anemia

1. Equine Infectious Anemia ("EIA" or "Swamp Fever") is a viral disease that is extremely contagious, spread through fly bites, and leads to severe, chronic disease or death. Federal regulations restrict the interstate movement of horses once they test positive for EIA but impose no testing requirement. States regulate the importation of horses, often requiring a negative EIA test prior to import.
2. Wis. Adm. Code § ATCP 10.36

g. Sheep and Goats

i. Scrapie

1. Scrapie is a fatal, degenerative disease that affects the nervous systems of infected sheep and goats. It is one of several transmissible spongiform encephalopathies ("TSEs")—which are related to bovine spongiform encephalopathy ("BSE" or "mad cow disease") and chronic wasting disease in deer. Some states participate in the voluntary National Scrapie Eradication Program to test and destroy animals that test positive for scrapie. In addition, many states require negative testing or certification prior to importation.
2. Wis. Adm. Code § ATCP 10.08
3. Wis. Adm. Code § ATCP 10.07

h. Swine

i. Pseudorabies

1. Pseudorabies is an infectious, herpes-virus disease of the central nervous system that causes convulsions, intense itching, and is generally fatal. Some states participate in the voluntary Pseudorabies Eradication State-Federal-Industry Program which includes surveillance, herd certification, and herd cleanup once an animal tests positive. Additionally, many states require testing or certification prior to import.

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2. Wis. Adm. Code § ATCP 10.30
 - ii. Swine Vesicular Disease
 1. Swine vesicular disease causes lesions on the feet, snout, and mouth of swine, and is economically costly because it must be distinguished from foot-and-mouth disease. These laws restrict the importation of pigs to prevent the spread of swine vesicular disease.
 2. Wis. Adm. Code § ATCP 10.06
 3. Wis. Adm. Code § ATCP 10.07
 4. Wis. Adm. Code Ch. Atcp 10, App. B
 5. Wis. Adm. Code Ch. Atcp 10, App. A
 - i. Exotic Meats
 - i. Horsemeat Labeling
 1. These state regulations require that horsemeat be specifically labelled as such. They are intended to increase transparency regarding sourcing.
 2. Wis. Adm. Code § ATCP 55.07
 - ii. Ostrich and Other Ratites
 1. These regulations require that ostrich and other ratites be accompanied by a certification of veterinary inspection prior to import. They are intended to protect local ostrich farming operations and ensure that ostrich meat and other products are healthy and free from disease.
 2. Wis. Adm. Code § ATCP 10.83
 - iii. Camelids: Camel, Alpaca, and Llama
 1. These regulations require health certificates prior to the importation of camels, alpacas, and/or llamas.
 2. Wis. Adm. Code § ATCP 10.85
- VIII. Companion Animals
- a. Chicks, Ducklings, and Rabbits
 - i. Sale of Dyed Chicks, Ducklings, or Rabbits
 1. These laws prohibits the sale of live chicks that have been dyed from their natural color and are offered for sale as pets or novelties.
 2. W.S.A. 951.11
 - b. Dogs and Cats
 - i. Minimum Age at Sale
 1. These laws restrict the sale of certain animals, most commonly dogs and cats, under a specific age. Often, these animals must be at least seven or eight weeks old and fully weaned prior to being offered for sale.
 2. W.S.A. 173.41
 - ii. Veterinary Inspection Requirements

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1. These laws impose veterinary health screening or permit requirements prior to selling dogs, cats, and other companion animals, or importing them into the state. They are intended to reduce the spread of communicable disease from one state to another.
 2. Wis. Adm. Code § 10.06
 3. Wis. Adm. Code § 16.16
 4. Wis. Adm. Code § 10.80
- IX. Products for Animals
- a. Prohibited Foods
 - i. Feed Garbage to Swine
 1. Swine Health Protection Act (“SHPA”) requires that meat and animal-byproduct-containing food scraps are heat treated before being fed to swine. However, states can impose additional regulations including more stringent heat treatments, conditions on vegetable food scraps, regulations on what can be feed to owner’s own swine, import regulations, etc. For the purposes of this discussion, only regulations addressing restrictions on the importation of garbage-fed swine are relevant.
 2. Wis. Adm. Code § ATCP 10.30
- X. Dead Animals and Animal Parts
- a. Animal Carcasses and Grease
 - i. Transport Requirements: Use of Leakproof Containers
 1. These laws require that certain unsavory or odor-producing substances such as the carcasses of animals or grease be transported by licensed vehicles, packaged in a way that prevents spillage, or in a way that shields the load from public view. Others impose sanitization or recordkeeping requirements that must be carried out prior to transport. These laws are intended to provide for public health and sanitation.
 2. Wis. Adm. Code § ATCP 57.20
- XI. Invasive Pests, Plants, and Disease
- a. Ash Trees
 - i. Emerald Ash Borer
 1. The emerald ash borer is a green jewel beetle from Asia that causes nearly 100% mortality of ash trees in an infected area within 10 years. These laws supplement federal regulation and establish additional quarantines, prohibit the importation of regulated articles, or impose other conditions or inspection systems affecting regulated articles prior to import.
 2. Wis. Adm. Code § ATCP 21.17
 - b. Oak, Aspen, and Other Species of Tree
 - i. Gypsy Moth

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1. These regulations declare gypsy moths to be a pest. They are intended to supplement federal standards and provide for additional quarantines on plant imports or further prohibit the importation of regulated articles in order to contain the moths' spread. Gypsy moths affect hundreds of different plant species and cause the defoliation of millions of acres annually. These regulations seek to protect local plant populations.

2. Wis. Admin. Code ATCP § 21.10

c. Pine Trees

i. Mountain Pine Beetle

1. These laws impose quarantines or other restrictions on the importation of wood products that may be carrying the mountain pine beetle, a small, destructive insect that degrades the quality of lumber and destroys trees. These laws are intended to contain its spread and protect local forests.

2. Wis. Adm. Code § ATCP 21.22

3. ATCP 21—Clearinghouse Rule #16-032

d. Walnut Trees

i. Thousand Cankers Disease

1. These laws impose a quarantine or other restrictions on the importation of products that may be carrying thousand cankers disease. They are intended to contain the spread of the disease and protect local trees.

2. Wis. Adm. Code § ATCP 21.21

3. Wis. Adm. Code § NR 40.04

e. Trees Generally

i. Asian Longhorned Beetle

1. Asian longhorned beetle larvae consume vast quantities of wood in the trunks of trees and the adults eat the leaf buds, leading to a death rate among infected trees of roughly 30 percent. These laws supplement federal laws and establish additional quarantines, prohibit the importation of regulated articles, or otherwise regulate articles that may be carrying the pest.

2. Wis. Adm. Code § ATCP 21.18

XII. Procurement

a. Agricultural Goods

1. These laws regulate government bid and solicitation preferences for products or services. Often they impose preferences for in-state producers of agricultural products.

2. W.S.A. 16.75

XIII. General Prohibitions

a. None

XIV. Miscellaneous

a. None

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